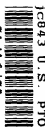


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J-643 U.S. PTO

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 35718/242052(5718-158)

First Inventor or Application Identifier: Duvick et al.

Title of Invention: MAIZE PEROXIDASE GENES AND THEIR
USE FOR IMPROVING PLANT DISEASE RESISTANCE AND
STALK STRENGTH

Express Mail Label No. EL868637631US

JC879 U.S. PTO

10/04/02



01/16/02

ADDRESS TO: **BOX PATENT APPLICATION**
U.S. PATENT AND TRADEMARK OFFICE
P. O. BOX 2327
ARLINGTON, VA 22202

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors: Jon P. Duvick, Des Moines, IA
 Joyce R. Maddox, Omaha, NE
 Pedro A. Navarro Acevedo, Ames, IA
 Carl R. Simmons, Des Moines, IA

Assignee of this invention is Pioneer Hi-Bred International, Inc.

1. ☒ The Filing Fee has been calculated as shown below:
 2. ☐ Applicant claims Small Entity Status. See 37 CFR 1.27.

	No. Filed	No. Extra	Small Entity Rate Fee 0	Large Entity Rate Fee 1
BASIC FEE			\$0	\$740
TOTAL CLAIMS:	43 - 20 =	23	X 9 = \$0	x 18 = \$414
INDEP CLAIMS:	10 - 3 =	7	X 42 = \$0	x 84 = \$588
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+140 = \$	+280 = \$
*If the difference in Column 1 is less than zero, enter "0" in Column 2.			TOTAL \$	TOTAL \$ 1,742

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Acct. No. 16-0605.

- a. ☒ Fees required under 37 CFR 1.16 (National filing fees).
 b. ☐ Fees required under 37 CFR 1.17 (National application processing fees).
- ☒ A check in the amount of \$ 1,742.00 for the filing fee is enclosed.
- ☐ The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.
3. ☒ Specification; Total Pages 72
4. ☒ 4 Sheets of Drawing(s) (35 USC 113)
5. ☐ Declaration and Power of Attorney; (Total Pages)
- a. ☐ Newly executed (original or copy)
 b. ☐ Copy from a prior application (37 CFR 1.63(d))
 (for continuation/divisional with Box 18 completed)
- i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) & 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☒ Computer Readable Copy (CRF)
 - b. ☐ Request for Transfer of Computer Readable Form of Sequence Listing under 37 CFR § 1.821(e) and MPEP 2422.05 (must be compliant with new rules)
 - c. ☒ Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☒ Paper (50 Pages)
 - d. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- 9. ☐ Assignment Papers (cover sheet & document(s) (including a check for the \$40.00 fee)
- 10. ☐ 37 CFR 3.73(b) Statement (*when there is an assignee*); ☐ Power of Attorney
- 11. ☐ English Translation Document (*if applicable*)
- 12. ☐ Information Disclosure Statement (IDS)/PTO-1449; 6 Copies of IDS Citations
- 13. ☐ Preliminary Amendment
- 14. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
- 15. ☐ Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
☐ Foreign Priority is claimed as Application No. , filed
- 16. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).
Applicant must attach form PTO/SB35 or its equivalent.
- 17. ☐ Request for Early Publication Under 37 CFR § 1.219. Fee of \$300.00 is enclosed.
- 18. **If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:**
☐ Continuation ☐ Divisional ☐ Continuation in Part (CIP)
of prior Application No: __; Filed __

Prior Application Information: Examiner

Group/Art Unit:

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

CUSTOMER NUMBER 00826

Signature:

Kathryn L. Coulter

Agent of Record: Kathryn L. Coulter

Agent Registration No. 45,889

Alston & Bird LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number EL868637631US
Date of Deposit January 16, 2002
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, U.S. Patent and Trademark Office, P. O. Box 2327, Arlington, VA 22202

Nora C Martinez
Nora C. Martinez

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Duvick et al Confirmation No.: Not Assigned
Appl. No.: Not Assigned
Filed: January 16, 2002
For: MAIZE PEROXIDASE GENES AND THEIR USE FOR IMPROVING PLANT
DISEASE RESISTANCE AND STALK STRENGTH

**STATEMENT IN SUPPORT OF FILING A
SEQUENCE LISTING UNDER 37 CFR § 1.821(f)**

Box Patent Application
U.S. Patent and Trademark Office
P. O. Box 2327
Arlington, VA 22202

Sir:

I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted concurrently herewith in accordance with 37 CFR § 1.821(c) and (e), are the same.

Respectfully submitted,

Kathryn L. Coulter
Kathryn L. Coulter
Agent for Applicant
Registration No. 45,889

Customer No. 00826

Alston & Bird LLP

Bank of America Plaza

101 South Tryon Street, Suite 4000

Charlotte, NC 28280-4000

Tel Raleigh Office (919) 862-2200

Fax Raleigh Office (919) 862-2260

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Date of Deposit: January 16, 2002

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Nora C. Martinez
Nora C. Martinez